



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/477,711	06/07/95	HARVEY J	5634.312

LM02/0608

Hunton & Williams  
1900 K Street, N.W.  
12th Floor  
Washington DC 20006-1109

EXAMINER

LUTHER, W

ART UNIT

PAPER NUMBER

2731

23

DATE MAILED: 06/08/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

*See Attached.*

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

08/477,711

EXAMINER

ART UNIT

PAPER NUMBER

23

DATE MAILED:

### INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) William Luther (3) \_\_\_\_\_  
(2) Tom Scott (4) \_\_\_\_\_

Date of Interview Jun 7, 2000

Type: ☒ Telephonic ☐ Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: n/a

Identification of prior art discussed:

n/a

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ex'r requests clarification for when applicants intend to honor their agreement, made approx. 1 1/2 year ago, to consolidate this application (see attachment 3 when, after the ~1/99 agreement, applicants actually acted on the agreement as early as 3/9/99). Ex'r notes that applicants have alleged that the 'agreement to consolidate' corresponds to the process illustrated in attachment 1's step 2 wherein applicants have alleged they would necessarily provide the interview summary corresponding to attachment 2 for meeting attachment 1's step 2. However, applicants have failed, to date, to provide attachment 2 for meeting attachment 1; accordingly, applicants have failed to meet their commitment for providing attachment 2, and their commitment for performing the instant consolidation.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

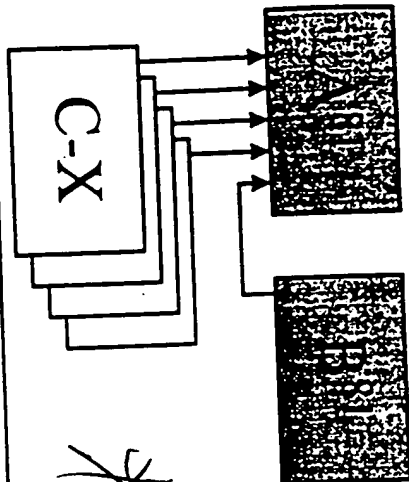
(703) 328-6609

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

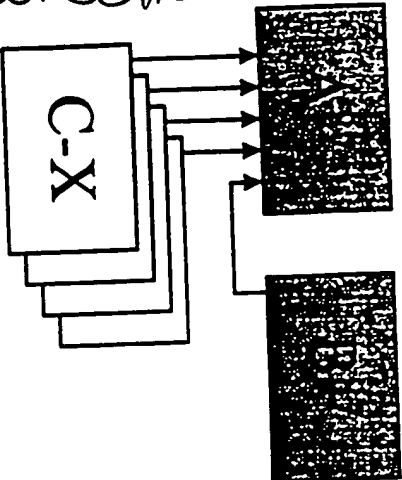
Applicants' allegation  
of consolidation.

Attachment 1

1981 Effective Filing Date



1987 Effective Filing Date



1. Enter preliminary amendment to A adding: (a) all claims of applications C to X, and (b) all but one claim of application B.
2. Receive from PTO interview summary stating the origin of transferred claims and that all the claims are subject to examination in application A.
3. Expressly abandon applications C to X.
4. Maintain application B as a potential application for any claims not allowed.

Each Group  
of 52

Applicants propose  
amendments to claim  
language

Examiners prepare  
questions in response

1st Interview of Record

Off-record interviews with  
applicants and examiners

Any Claims  
to Appeal?

No

2d Interview of  
Record: 1. 112(1&2);  
2. Pat. SM; 3. All  
issues resolved.

Yes

2d Interview of Record:  
Claims at issue moved to  
application B; cancelled  
from application A, if any.

Office Action

Allowable  
claims to  
Appln. A

Appln. B To  
Board of  
Appeals

Officially amend  
claims in application  
A and add any  
undisputed claim  
from application B.

Expressly abandon  
application B if no  
Appeal issues

Issue Application A

**Interview Summary Attachment**

USPTO Serial No. 08/AAA,AAA  
Attorney Docket No. 05634.000A  
Filing Date: August 30, 1993  
Art Unit: 2737  
Examiner: FAILE, A.

Int. Summary that  
applicants alleged  
they would provide

Applicants hereby present a preliminary amendment to the above-identified application adding the following claim(s) from the following application serial number(s), and hereby expressly abandon the following corresponding application(s) as indicated below:

Claims	Applications Serial No(s).	Expressly Abandon Application(s)
X	08/XXX,XXX	
Y	08/YYY,YYY	Abandoned
Z	08/ZZZ,ZZZ	Abandoned

The preliminary amendment adding the above-identified claims is hereby entered in the above-identified application and examined along with original claims XXX. An action on the merits is to follow.

Date: \_\_\_\_\_, 1999.

1. This action is in response to ~~7/6/99~~. Remarks that exist for pending claims ~~2-24~~, have been considered but are moot in view of the new ground(s) of rejection.

Overview.

As a preliminary matter, it is understood that applicants and the PTO have agreed to consolidate co-pending applications from ~329 in number to ~78 in number wherein applicants "claim" priority benefit under Section 120 for ~41/78 to 9/11/87 ('87), and ~37/78 to 11/3/81 ('81). However, to date, applicants have failed to complete the consolidation. For example and for illustration, in the group of 37/78, examiner finds consolidation papers for only ~~10~~ <sup>1063 of 3/15/4</sup> 3 of 37.<sup>1</sup> Applicants must understand that their failure, to date, to complete the consolidation has contributed to delay in prosecution, noting that the agreement to consolidate was made over an entire year ago.<sup>2</sup> Clarification is requested for when applicants intend to carry forth completion of their

---

<sup>1</sup>See Appendix B for examiners count of cases having consolidation papers. It is noted, for ex, that "group" 8 fails to map the claims, and hence is not within consonance of agreement and therefore is recognized as an amendment to an outstanding office action.

<sup>2</sup>For illustration, it is noted that the co-pending application no. 08/474,964 (see "group" 30 in Appendix B) consolidation was received 3/9/99. Therein, on page 9 (paper 20), applicants allege "In consonance with the agreement...Applicants...join the claims", etc.